



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jack P Friedman
Schmeiser Olsen & Watts
3 Lear Jet Lane
Suite 201
Latham NY 12110

COPY MAILED

SEP 28 2005

OFFICE OF PETITIONS

In re Application of	:	
AGNELLO, David Paul et al.	:	DECISION
Application No.: 09/939,895	:	
Filing Date: August 27, 2001	:	ON PETITION UNDER
Docket No.: BU9-98-183-US2	:	
For: WET CLEANS FOR COBALT	:	37 CFR 1.137(b)
DISILICIDE PROCESSING	:	

This is a decision on the petition filed on March 31, 2005, alleging unintentional delay under 37 C.F.R. §1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed June 04, 2003, which set a shortened statutory period for reply of three (3) months. While a timely reply was filed on July 31, 2003, that reply did not *prima facie* place this application in condition for allowance as indicated by the Advisory Action mailed September 02, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained and a Notice of Appeal was not filed. Accordingly, by operation of law, the above-identified application became abandoned at midnight on September 04, 2003.

The petition satisfies the conditions for revival set forth in 37 CFR 1.137(b) in that (1) the reply in the form of a Notice of Appeal; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of June 04, 2003, is accepted as having been unintentionally delayed.

**The Notice of Appeal filed September 07, 2004, has been entered and made of record.
Accordingly, the two (2)-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the date of this decision.**

This application is being referred to Technology Center AU 2811, to await applicants' submission.

Further correspondence with respect to this matter should be addressed to Mail Stop Petitions,
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

Frances Hester Jr

Brian Hearn
Petitions Examiner
Office of Petitions